

cakes, 19 6-ounce bags of licorice, 19 6-ounce bags of anise dogs, 19 3½-ounce bags of after dinner mints, 19 4-ounce bags of chocolate chews, 21 4-ounce bags of lollipops, and 64 3-ounce bags of caramels, at Irwin, Pa.

**LABEL, IN PART:** (Portion) "Boston Baked Beans," or "Asco Candy Cakes [or "Licorice," "Anise Dogs," "After Dinner Mints," "Chocolate Chews," "Lolly-Pops," or "Fresh Pack Caramels"]."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent-hair fragments and insect fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

Misbranding, Section 403 (e) (2), some of the articles failed to bear a label containing an accurate statement of the quantity of contents, since the label statements, "Weight Six Ounces Net" (licorice and anise dogs), "Weight 3½ Ounces Net" (after dinner mints), "Weight Four Ounces Net" (chocolate chews and lollipops), and "Weight Three Ounces Net" [caramels], were inaccurate. (The articles were short-weight.)

**DISPOSITION:** June 17 and July 17, 1947. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**12239. Adulteration and misbranding of candy bars. U. S. v. 79 Boxes \* \* \*.**  
(F. D. C. No. 22788. Sample No. 55215-H.)

**LABEL FILED:** March 27, 1947, District of Alabama.

**ALLEGED SHIPMENT:** On or about October 29, 1946, by the G. T. Edwards Candy Co., from Atlanta, Ga.

**PRODUCT:** 79 boxes each containing 36 candy bars, at Dothan, Ala.

**LABEL, IN PART:** (Boxes) "Pecan Bar Cocoanut 36 Count."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, coconut, had been in whole or in part omitted from the article; Section 402 (b) (3), inferiority had been concealed by the use of corn flakes; and, Section 402 (b) (4), a substance, corn flakes, had been mixed with the article so as to make it appear better and of greater value than it was, since corn flakes had the appearance of coconut in the product in which coconut was an expected ingredient.

Misbranding, Section 403 (a), the designation on the boxes, "Pecan Bar Cocoanut," was misleading, since the article contained little, if any, coconut or pecans; and, Section 403 (i) (2), the article was fabricated from 2 or more ingredients and its label failed to bear the common or usual name of each of its ingredients, since "maize" is not the common or usual name for corn flakes.

**DISPOSITION:** April 30, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**12240. Adulteration and misbranding of candy bars. U. S. v. 35 Cases \* \* \*.**  
(F. D. C. No. 22858. Sample No. 73509-H.)

**LABEL FILED:** April 22, 1947, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about July 1, 1946, by Snooks, Inc., from Brooklyn, N. Y., to Galion Bottling Works, Galion, Ohio. On November 23, 1946, the consignee returned the product to the shipper, who refused to receive the shipment. It was therefore returned to Cleveland, Ohio, on or about March 5, 1947.

**PRODUCT:** 35 cases containing odd-size boxes of candy bars at Cleveland, Ohio. The product was a chocolate-covered candy bar containing peanuts and pieces of soybeans. It contained little or no sweetening ingredients and did not have a sweet taste. It was also short-weight.

**LABEL, IN PART:** "Snooks [or "Savvy"] Net Wt. 1¼ oz. \* \* \* Mfd. by Rex Confections Co. [or "Inc."] Brooklyn, N. Y."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), valuable constituents, sweetening ingredients, which are normal and expected in candy, had been in whole or in part omitted from the article.

Misbranding, Section 403 (e) (2), the label of the article failed to contain an accurate statement of the quantity of contents. The label statement "Net Wt. 1¼ Oz." was inaccurate.

DISPOSITION: July 3, 1947. Default decree of condemnation and destruction.

**12241. Misbranding of candy bars. U. S. v. 95 Cartons \* \* \*. (F. D. C. No. 22927. Sample No. 91161-H.)**

**LIBEL FILED:** April 14, 1947, District of New Jersey.

**ALLEGED SHIPMENT:** 20 cartons on March 11, 1947, by the Atlantic Stores, Inc., from Boston, Mass.; and 75 cartons on January 31 and March 13, 1947, by Paul F. Beich Company, from New York, N. Y.

**PRODUCT:** 95 cartons, each containing 12 24-bar boxes, of candy bars at Newark, N. J.

**LABEL, IN PART:** "Beich \* \* \* Epicure Chocolate and Pecans \* \* \* 1 Mg. Vitamin B<sub>1</sub> (Thiamin Hydrochloride)."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label designation "Chocolate and Pecans" was false and misleading as applied to a product which did not consist of chocolate and pecans (the article was a chocolate-coated marshmallow bar with pecan pieces embedded in the coating); and, Section 403 (j), the article purported to be a food for special dietary uses by reason of the vitamin B<sub>1</sub> content, and the label failed to bear a statement of the proportion of the minimum daily requirement of vitamin B<sub>1</sub> supplied by the article when consumed in a specified quantity during a period of 1 day.

DISPOSITION: June 17, 1947. Paul F. Beich Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be repacked and relabeled so as to comply with the law, under the supervision of the Food and Drug Administration.

**12242. Misbranding of candy bars. U. S. v. 270 Cases \* \* \*. (F. D. C. No. 22960. Sample No. 65982-H.)**

**LIBEL FILED:** April 23, 1947, District of Maryland.

**ALLEGED SHIPMENT:** On or about April 10, 1947, by Luden's, Inc., from Reading, Pa.

**PRODUCT:** 270 cases, each containing 16 24-bar boxes, of candy bars at Baltimore, Md.

**LABEL, IN PART:** The statement "Fifth Avenue Milk Chocolate and Almonds" was printed in large type on the top of the wrapper, and the statement of ingredients, "Milk Chocolate, Almonds, Peanuts, Sugar, Corn Syrup, Salt, Molasses," was printed inconspicuously in small type on the side of the wrapper.

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the prominent label statement "Milk Chocolate and Almonds" was misleading as applied to a candy bar with a peanut butter-molasses brittle center coated with milk chocolate and containing 2 almonds; and, Section 403 (d), the container was so made and filled as to be misleading since the manner of wrapping gave the impression that the candy bar was much larger than was actually the case, and there was an excessive amount of unfilled space in the wrapper.

DISPOSITION: June 28, 1947. Default decree of condemnation; product ordered delivered to charitable institutions.

**12243. Misbranding of candy. U. S. v. 45 Cases \* \* \*. (F. D. C. No. 23515. Sample No. 87575-H.)**

**LIBEL FILED:** On or about July 28, 1947, Southern District of New York.

**ALLEGED SHIPMENT:** On or about February 7, 1947, by Luden's, Inc., Reading, Pa.

**PRODUCT:** 45 cases, each containing 24 boxes, of candy at New York, N. Y.

**LABEL, IN PART:** "Bristol Super Mints Made by Brandle & Smith Division Luden's Inc. Reading, Pa. \* \* \* Net Weight 1¾ Oz."

**NATURE OF CHARGE:** Misbranding, Section 403 (d), the container was so filled as to be misleading (the boxes contained from 14 to 16 pieces of candy; 20 pieces could easily be placed in the boxes); and, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents (the boxes contained less than the declared weight).